



3737

Docket No. BIO-83

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Shlomo Ben-Haim et al.

Serial No. : 09/273,646

Art Unit: 3737

Filed : March 23, 1999

Examiner: Ruth S. Smith

For : MEDICAL DIAGNOSIS TREATMENT AND IMAGING SYSTEMS

I hereby certify that this correspondence is being deposited with the  
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December 4, 2003

(Date)

Vincent J. Serrao

Name of applicant, assignee, or Registered Representative

(Signature)

December 4, 2003

(Date)

# 28  
12/15**RESPONSE TO INTERVIEW SUMMARY**

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TECHNOLOGY CENTER R3700

Dear Sir:

In response to the Interview Summary mailed on November 7, 2003 in the above-captioned patent application, applicants request that the following remarks be made of record.

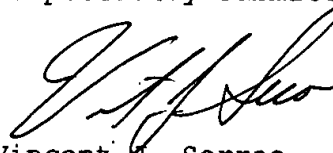
Applicants filed a request for a signed PTO Form 1449 in the above referenced application. Applicants' records indicate this form was submitted on April 21, 1999. In response to applicants' request, Examiner Ruth S. Smith initiated a telephone conference and attempted to contact Mr. Louis Capezzuto, the attorney of record in this application. Mr. Capezzuto was unavailable and Examiner Smith instead spoke with Ms. Ann Nicholson, Mr. Capezzuto's Administrative Assistant. During the telephone conference, Examiner Smith stated

that the PTO Form 1449 was not received. Ms. Nicholson subsequently spoke with Mr. Capezzuto and returned the telephone call to Examiner Smith. During the second telephone conversation with Examiner Smith, Ms. Nicholson stated that the application should issue. Examiner Smith then noted that the application would issue without the prior art being made of record. Ms. Nicholson agreed.

Ms. Nicholson is not registered to practice before the patent office and did not fully understand the ramifications of her statement. Indeed, applicants do not wish for the application to issue without prior art being made of record and put before the Examiner. Accordingly, the applicants have filed a Petition under 37 C.F.R. § 1.313(c)(2) to withdraw the application from issue, including a Request for Continued Examination along with an Information Disclosure Statement.

No additional fee is thought to be necessary to enter this Response. If an additional fee is required, the Examiner is authorized to charge the Applicants' Deposit Account Deposit - Account No. 10-0750/BIO-83/LJC.

Respectfully submitted,



Vincent U. Serrao  
Reg. No. 47,072  
Attorney for Applicants

Johnson & Johnson  
Law Department  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933  
Date: December 4, 2003